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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,362	05/01/2002	Yasunori Matsukawa	MAT-8172US	9677

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EXAMINER

PATIDAR, JAY M

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/913,362

Applicant(s)

MATSUKAWA ET AL.

Examiner

Jay M. Patidar

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This communication is in response to applicant's amendment filed on February 25, 2005.

2. The abstract of the disclosure is objected to because the abstract does not set forth the nature and gist of the invention.

Correction is required. See MPEP § 608.01(b).

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The reference numerals e.g. 311-315 etc as described in Tenth Exemplary embodiment with respect to figures 30+. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- the two U-shaped magnetic bodies with a sectorial shaped or I shaped object as set forth in claim 6;
- the tip end of the body (wherein the body is U-shaped) is slanted as set forth in claim 7;
- the magnetic sensor is disposed to smaller thickness portion of the U-shaped body (cl. 8);
- the subject matter as set forth in claims 17-19;

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Claims 2,4-5,7-9,10,12,23,27,28 are objected to because of the following informalities:

In claim 2, it is unclear as to where an object is positioned; the phrase "in one said discontinued portion and between said discontinued portion and one of said magnets" does not make sense;

In claims 4-5,7-9, it is also unclear as to what "magnetic body" refers to; whether it is two magnetic bodies as claimed claim 1 or just one;

In claim 7, the structure as claimed - tip end is slanted - is not clearly understood;

In claim 9, it is unclear as to what "the other portion" is; it is also unclear as to whether it is two magnetic bodies or just one;

In claim 10, it is vague as to what the lateral distance of magnet is;

In claim 12, what "other portion" refers to;

In claim 27, the subject matter of this claim is already in claim 1;

In claim 28, this claim is same as claim 27;

In claim 23, the one and another side arms are not clearly defined; it is unclear as to what these arms are;

Appropriate correction is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5,8-10,14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "one of said discontinued" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 3, the "magnetic body" is vague since there are two magnetic bodies are claimed in claim 1, it is also unclear as to whether this magnetic body is different from what is claimed in claim 1 or the same; the magnetic body is "U" shaped, how a U-shaped body has an L-shaped tip end; it is unclear as to what L-shaped tip is;

In claim 4, the "magnetic body" is vague since there are two magnetic bodies are claimed in claim 1, it is also unclear as to whether this magnetic body is different from what is claimed in claim 1 or the same; the magnetic body is "U" shaped, how a U-shaped body has an L-shaped tip end; it is unclear as to what L-shaped tip is; it is unclear as to where an object is disposed;

In claim 5, the subject matter of this claim is already in claim 1;

In claim 17, it is vague as to whether the magnetic U-shaped bodies are same as claimed in claim 1 or different; Some subject matter is already in claim 1;

In claims 18-19, the structure as claimed does not make sense since there are magnets between the U-shaped bodies;

In claim 20, the bodies are U-shaped, this means both bodies have an aperture in center for object insertion; it is unclear as to what applicant is trying to claim;

In claim 21, the structure as claimed does not make sense when the subject matter of claim 1 is included;

Claims 14-16 recites the limitation "two U-shaped magnetic bodies". There is insufficient antecedent basis for this limitation in the claim. The structure as claimed does not make sense; perhaps applicant intends to include subject matter of claim 1.

In claim 22, the structure as claimed is vague; as indicated at line 7 that the object is positioned between magnets, this is not true (see e.g. fig. 30). Perhaps applicant intends to say "between said two U-shaped magnetic bodies".

The claims not specifically addressed share the indefiniteness as they depend from rejected base claims.

8. Claim 1 is allowed.

9. A prior art rejection has not been applied because the resulting claims do not clearly set forth the metes and bounds of the patent protection desired and are vague and indefinite. The claims are so vague and indefinite such that no meaningful search can be performed at this time. However, any subsequently presented claims, in definite form will be subject to rejection on art.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

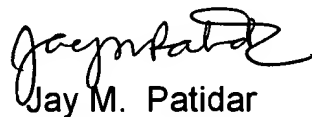


filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay M. Patidar whose telephone number is 571-272-2265. The examiner can normally be reached on M-Thur 7:00-5:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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April 21, 2005